

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

M.A. C.M.A. No.266 OF 2014

JUDGMENT:

Seeking enhancement of compensation, as the amount of Rs.3,24,000/- awarded by the learned Chairman, Motor Accidents Claims Tribunal - cum - III Additional Chief Judge, City Civil Court, Hyderabad, by the order and the decree dated 16.06.2010 in O.P. No.2255 of 2008, towards partial permanent disability sustained by the appellant - petitioner - claimant on account of amputation of right leg above the knee, as against the claim of Rs.4,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988, the present Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988.

2. Heard Sri T. Vishwarupa Chary, learned counsel for the appellant - claimant, and Sri N. Vasudeva Reddy, learned standing counsel for the respondents, the erstwhile Andhra Pradesh State Road Transport Corporation (APSRTC).

3. Perused the order and the decree under challenge and the material on record.

4. It is not in dispute that the petitioner sustained disability on account of amputation of right leg above the knee as recorded by the Tribunal on issue No.2 and taken the disability as 60% basing on Ex.X-1 proved by PW.2, the medical officer. The Tribunal has taken

the multiplier factor '14,' taking the age of the petitioner as 45 years, and, thus, arrived at Rs.3,02,400/- (Rs.300/- x 12 x 60/100 x 14) and an amount of Rs.1,600/- was granted towards medical expenses besides Rs.20,000/- towards pain and suffering.

5. The learned counsel for the appellant - petitioner would refer to **Syed Sadiq v. United India Insurance Company Limited**¹ where a vegetable vendor, held by the Hon'ble Supreme Court, was treated as earning Rs.6,500/- and even future prospects were granted, according to the learned counsel. Without deliberating much, since the difference between the claim and the compensation amount determined by the Tribunal being only Rs.76,000/-, and where amputation has occurred, the claim is laid under Section 166 of the Motor Vehicles Act, where the amount under other relevant heads were not granted by the Tribunal including future prospects, the petitioner is entitled to enhancement, opining it as just and adequate to award Rs.4,00,000/- as claimed by the petitioner.

12. Thus, the petitioner is entitled to a total compensation of Rs.4,00,000/- (Rupees seventy four thousand only) and the same is accordingly granted as against Rs.3,24,000/- awarded by the Tribunal. The Tribunal granted interest at 6% per annum. However, keeping in view the decision of the Hon'ble Supreme Court in **Rajesh v. Rajbir Singh**², certainly, the petitioner is entitled to the rate of interest at

¹ 2014(2) SCC 735

² 2013ACJ1403 = 2013(4)ALT35

7.5% per annum on the entire amount, as such, the rate of interest is enhanced to 7.5% per annum on the entire amount of Rs.4,00,000/- from the date of petition till realisation. There shall be no order as to costs.

13. Accordingly, the Civil Miscellaneous Appeal is allowed modifying the order and the decree under challenge by enhancing the compensation, as indicated above. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand disposed of.

A. SHANKAR NARAYANA, J

October 13, 2017.

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